

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America)

v.)

Irvin GONZALEZ aka)
Ervin Gonzalez)Case No. *EP17mj643ATB**Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 9, 2017 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section*

8 USC 1326

Offense Description

being an alien to the United States, enter, attempt to enter, and was found in the United States after having been previously excluded, deported, and removed from the United States without receiving permission to reapply for admission to the United States from the Attorney General of the United States and the Secretary of Homeland Security, the successor pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557

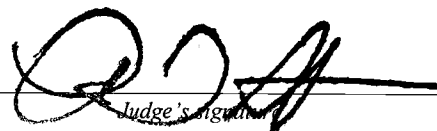
This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*

John P. Urquidi, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/10/2017City and state: El Paso, Texas*Judge's signature*

Anne T. Berton, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

The DEFENDANT, Irvin GONZALEZ aka Ervin GONZALEZ, an alien to the United States and a citizen of Mexico was found in the United States on February 9, 2017 in El Paso, Texas in the Western District of Texas. From statements made by the DEFENDANT to the arresting agent, DEFENDANT was determined to be a native and citizen of Mexico, without immigration documents allowing him to be or remain in the United States legally. Defendant has been previously removed from the United States to Mexico on January 23, 2016 through Eagle Pass, Texas. DEFENDANT has not received the permission from the Attorney General of the United States or Secretary of Homeland Security to reapply for admission into the United States.

On February 2, 2017, Homeland Security Investigations (HSI) Border Enforcement Security Taskforce (BEST) Agents received information that an individual who had been previously deported was in the United States. This information was confirmed through the Enforce Alien Removal Module. The information received stated that the individual later identified as Ervin GONZALEZ (DOB: 03/18/1983, COB: Mexico) was residing at the Center Against Sexual and Family Violence, 580 Giles Road, El Paso, Texas. The information stated that GONZALEZ had been arrested previously for Possession of Stolen Mail and Illegal Re-Entry into the United States and sentenced to 12 months and 1 day.

It was also mentioned that GONZALEZ had filed a Protective Order against his boyfriend Mario Alberto De Avila who is currently incarcerated for Forgery of a Financial Instrument. GONZALEZ has a hearing scheduled for Thursday, February 9, 2017 at 9:00 a.m. at the El Paso County Courthouse, 500 E. San Antonio, El Paso, Texas.

On February 9, 2017, HSI BEST Agents were conducting surveillance at 500 E. San Antonio, El Paso, Texas in attempts of seeing GONZALEZ. At approximately 9:30 a.m., HSI BEST Agents observed GONZALEZ exiting the El Paso County Courthouse and proceeded to walk along the side walk on San Antonio Avenue. BEST Agents approached GONZALEZ identified themselves as United States Border Patrol Agents and questioned him to as to his citizenship and immigration status. GONZALEZ admitted to being a Mexican National with no immigration documents allowing him to enter, be or remain in the United States legally. GONZALEZ was taken into the custody and transported to the HIS Office located at 11541 Montana, Avenue, El Paso, Texas.

GONZALEZ was enrolled into the Eagle system which returned positive for immigration and criminal history. GONZALEZ was advised of his rights via I-214 which he stated he understood by signing the document.

Immigration History:

06/05/2007: Voluntary Return

05/06/2010: Removed

06/01/2011: Removed

07/08/2011: Removed

07/09/2013 Removed

01/03/2014: Removed

01/23/2016: Removed

Criminal History:

On 03/10/2015, the subject was arrested for the crime of "Illegal Re-Entry (INA SEC.101(a)(43)(O), 8USC1326 only)" which resulted in a conviction. The subject was sentenced to 1 year(s), 1 day(s).

On 03/10/2015, the subject was arrested for the crime of "Larceny - From Mails" which resulted in a conviction. The subject was sentenced to 1 year(s), 1 day(s).

On 05/06/2013, the subject was arrested for the crime of "False Imprisonment" which resulted in a conviction. The subject was sentenced to 0 year(s), 0 month(s), 145 day(s).

On 02/10/2011, the subject was arrested for the crime of "Assault" which resulted in a conviction. The subject was sentenced to 0 year(s), 6 month(s), 0 day(s).

On 02/10/2011, the subject was arrested for the crime of "Probation Violation" which resulted in a conviction. The subject was sentenced to 0 year(s), 2 month(s), 0 day(s).

On 01/10/2011, the subject was arrested for the crime of "Domestic Violence" which resulted in a conviction. The subject was sentenced to 0 year(s), 0 month(s), 180 day(s).

On 01/01/2011, the subject was arrested for the crime of "False Imprisonment" which resulted in a conviction. The subject was sentenced to 0 year(s), 0 month(s), 105 day(s).

On 05/03/2010, the subject was arrested for the crime of "False Imprisonment-Minor-Parental" which resulted in a conviction. The subject was sentenced to 0 year(s), 3 month(s), 15 day(s).